

COURT EXHIBIT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2

EDGAR SOTO JR., *et al.*,

Plaintiffs,

v.

THE CITY OF NEW YORK, *et al.*,

Defendants.

No. 12-CV-6911 (RA)

VERDICT FORM

I. LIABILITY

Question 1:

Has the plaintiff Edgar Soto, Jr. proven by a preponderance of the credible evidence that he was shot by the following officer/s during the May 7, 2012 incident in violation of his Fourth Amendment right to be free from excessive force?

Brian Santiago YES _____ NO ☒

Angel Torres YES _____ NO ☒

Question 2:

Has the plaintiff Flora Soto proven by a preponderance of the credible evidence that she was shot by the following officer during the May 7, 2012 incident in violation of her due process rights under the Fourteenth Amendment?

Angel Torres YES _____ NO ☒

Question 3:

Has the plaintiff Flora Soto proven by a preponderance of the credible evidence that her shooting constituted an assault and battery?

YES _____ NO ☒

Question 4:

Has the plaintiff Edgar Soto, Jr. proven by a preponderance of the credible evidence that he was beaten by the following officer/s or any one of them (to the extent you cannot identify which) during the May 7, 2012 incident and that the beating constituted excessive force under the Fourth Amendment?

Brian Santiago	YES _____	NO <u>✓</u>
Angel Torres	YES _____	NO <u>✓</u>
Augustin Melendez	YES _____	NO <u>✓</u>
Any of the Above	YES _____	NO <u>✓</u>

Question 5:

Answer only if you answered "yes" to Question 4 as to any defendant.

Has the plaintiff Edgar Soto, Jr. proven by a preponderance of the credible evidence that the following officer/s are liable for failure to intervene in the beating?

Brian Santiago	YES _____	NO _____
Angel Torres	YES _____	NO _____
Augustin Melendez	YES _____	NO _____

Question 6:

Has the plaintiff Flora Soto proven by a preponderance of the credible evidence that she was tasered during the May 7, 2012 incident and that the use of the taser constituted an assault and battery?

YES _____ NO ✓

If you answered "yes" to any of the questions in Part I, please proceed to Part II. If you answered "no" to all of the questions in Part I, your deliberations are finished and you should sign and date this form on the last page.

II. COMPENSATORY AND NOMINAL DAMAGES

Question 7:

Answer only if you answered "yes" to Question 1 as to Officer Santiago.

Please state the amount of compensatory damages, if any, to which the plaintiff Edgar Soto, Jr. has proven, by a preponderance of the credible evidence, he is entitled as a result of the injuries that he sustained when he was shot by Officer Santiago on May 7, 2012.

Past Medical Expenses	\$ _____
Past Pain and Suffering	\$ _____
Future Medical Expenses	\$ _____
Future Pain and Suffering	\$ _____
Total Damages	\$ _____

Question 8:

Answer only if you awarded future damages in response to Question 7.

For how many years did you award future damages in response to Question 7?

Future Medical Expenses	_____
Future Pain and Suffering	_____

Question 9:

Answer only if you answered Question 7, but did not award any compensatory damages.

If you find that the shooting of the plaintiff Edgar Soto, Jr. by Officer Santiago on May 7, 2012 constituted excessive force, but that Edgar Soto, Jr. is not entitled to compensatory damages in connection with this shooting, then you must award him nominal damages. What amount of nominal damages (not to exceed \$1) do you award?

Nominal Damages	\$ _____
-----------------	----------

Question 10:

Answer only if you answered "yes" to Question 1 as to Officer Torres.

Please state the amount of compensatory damages, if any, to which the plaintiff Edgar Soto, Jr. has proven, by a preponderance of the credible evidence, he is entitled as a result of the injuries that he sustained when he was shot by Officer Torres on May 7, 2012.

Past Medical Expenses	\$ _____
Past Pain and Suffering	\$ _____
Future Medical Expenses	\$ _____
Future Pain and Suffering	\$ _____
Total Damages	\$ _____

Question 11:

Answer only if you awarded future damages in response to Question 10.

For how many years did you award future damages in response to Question 10?

Future Medical Expenses	_____
Future Pain and Suffering	_____

Question 12:

Answer only if you answered Question 10, but did not award any compensatory damages.

If you find that the shooting of the plaintiff Edgar Soto, Jr. by Officer Torres on May 7, 2012 constituted excessive force, but that Edgar Soto, Jr. is not entitled to compensatory damages in connection with this shooting, then you must award him nominal damages. What amount of nominal damages (not to exceed \$1) do you award?

Nominal Damages	\$ _____
-----------------	----------

Question 13:

Answer only if you answered "yes" to Questions 2 or 3.

Please state the amount of compensatory damages, if any, to which the plaintiff Flora Soto has proven, by a preponderance of the credible evidence, she is entitled as a result of the injuries that she sustained when she was shot on May 7, 2012.

Past Medical Expenses	\$ _____
Past Pain and Suffering	\$ _____
Past Loss of Earnings	\$ _____
Future Medical Expenses	\$ _____
Future Pain and Suffering	\$ _____
Total Damages	\$ _____

Question 14:

Answer only if you awarded future damages in response to Question 13.

For how many years did you award future damages in response to Question 13?

Future Medical Expenses	_____
Future Pain and Suffering	_____

Question 15:

Answer only if you answered Question 13, but did not award any compensatory damages.

If you find that the shooting of the plaintiff Flora Soto on May 7, 2012 violated her due process rights or constituted an assault and battery, but that Flora Soto is not entitled to compensatory damages in connection with this shooting, then you must award her nominal damages. What amount of nominal damages (not to exceed \$1) do you award?

Nominal Damages	\$ _____
-----------------	----------

Question 16:

Answer only if you answered "yes" to Question 4 as to any defendant.

Please state the amount of compensatory damages, if any, to which the plaintiff Edgar Soto, Jr. has proven, by a preponderance of the credible evidence, he is entitled as a result of the injuries that he sustained when he was beaten on May 7, 2012.

Past Medical Expenses	\$ _____
Past Pain and Suffering	\$ _____
Future Medical Expenses	\$ _____
Future Pain and Suffering	\$ _____
Total Damages	\$ _____

Question 17:

Answer only if you awarded future damages in response to Question 16.

For how many years did you award future damages in response to Question 16?

Future Medical Expenses	_____
Future Pain and Suffering	_____

Question 18:

Answer only if you answered Question 16, but did not award any compensatory damages.

If you find that the beating of the plaintiff Edgar Soto, Jr. on May 7, 2012 constituted excessive force, but that Edgar Soto, Jr. is not entitled to compensatory damages in connection with this beating, then you must award him nominal damages. What amount of nominal damages (not to exceed \$1) do you award?

Nominal Damages	\$ _____
-----------------	----------

Question 19:

Answer only if you answered "yes" to Question 6.

Please state the amount of compensatory damages, if any, to which the plaintiff Flora Soto has proven, by a preponderance of the credible evidence, she is entitled as a result of the injuries that she sustained when she was tasered on May 7, 2012.

Past Medical Expenses	\$ _____
Past Pain and Suffering	\$ _____
Past Loss of Earnings	\$ _____
Future Medical Expenses	\$ _____
Future Pain and Suffering	\$ _____
Total Damages	\$ _____

Question 20:

Answer only if you awarded future damages in response to Question 19.

For how many years did you award future damages in response to Question 19?

Future Medical Expenses	_____
Future Pain and Suffering	_____

Question 21:

Answer only if you answered Question 19, but did not award any compensatory damages.

If you find that the tasing of the plaintiff Flora Soto on May 7, 2012 constituted an assault and battery, but that Flora Soto is not entitled to compensatory damages in connection with this tasing, then you must award her nominal damages. What amount of nominal damages (not to exceed \$1) do you award?

Nominal Damages	\$ _____
-----------------	----------

Question 22:

Answer only if you answered "yes" to Question 3.

Please state the amount of compensatory damages, if any, to which the plaintiff Edgar Soto, Sr. has proven, by a preponderance of the credible evidence, he is entitled for loss of consortium as a result of the injuries that Flora Soto sustained when she was shot on May 7, 2012.

Past Damages \$ _____

Future Damages \$ _____

Total Damages \$ _____

Question 23:

Answer only if you awarded future damages in response to Question 22.

For how many years did you award future damages in response to Question 22?

Years _____

Question 24:

Answer only if you answered "yes" to Question 6.

Please state the amount of compensatory damages, if any, to which the plaintiff Edgar Soto, Sr. has proven, by a preponderance of the credible evidence, he is entitled for loss of consortium as a result of the injuries that Flora Soto sustained when she was tasered on May 7, 2012.

Past Damages \$ _____

Future Damages \$ _____

Total Damages \$ _____

Question 25:

Answer only if you awarded future damages in response to Question 24.

For how many years did you award future damages in response to Question 24?

Years _____

III. PUNITIVE DAMAGES

Question 26:

Answer only if you answered "yes" to Questions 1 or 4 as to any defendant.

What amount of punitive damages, if any, do you award the plaintiff Edgar Soto, Jr. against the following officer/s in connection with Edgar Soto, Jr.'s excessive force claim?

Brian Santiago \$ _____

Angel Torres \$ _____

Augustin Melendez \$ _____

Question 27:

Answer only if you answered "yes" to Question 2.

What amount of punitive damages, if any, do you award the plaintiff Flora Soto against the following officer in connection with Flora Soto's due process claim?

Angel Torres \$ _____

Your deliberations are finished. Please sign and date this form.

<u>Eugene [Signature]</u> Foreperson	<u>Stephen [Signature]</u>
<u>Sifaria [Signature]</u>	<u>Touya [Signature]</u>
<u>Dante [Signature]</u>	<u>Walter [Signature]</u>
<u>Pearl [Signature]</u>	<u>Cathy [Signature]</u>

Date: November 16, 2016